

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:08-CR-066 |
| | : | |
| v. | : | (Judge Conner) |
| | : | |
| LUIZ DIAZ | : | |

PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED THAT:

1. As a result of the guilty plea to the Superseding felony Information entered by defendant Luiz Diaz in which the Government sought forfeiture pursuant to 18 U.S.C. § 982, the defendant shall forfeit to the United States:

- a) All property involved in or traceable to offences involving 21 U.S.C. § 846;
- b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained directly or indirectly, as a result of such violations involving such offences; and
- c) Any property, real or personal, used or intended to be used in any manner or part to commit or facilitate the commission of the offences involving 21 U.S.C. § 846.

2. The Court has determined, based upon the defendant's guilty plea, that the following property is subject to forfeiture and that the government has established the requisite nexus between such property and such offenses.

- (a) \$55,580.00 in United States Currency.

3. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

4. The United States shall have clear title to the subject property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(1) for the filing of third party petitions.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(1), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

7. The Clerk of Court shall forward four certified copies of this order to Assistant U.S. Attorney James T. Clancy, U.S. Attorney's Office, Middle District of Pennsylvania.

SO ORDERED this 6th day of January, 2009

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge